

REMARKS

Applicant thanks the Examiner for courtesies extended during a personal interview with Applicant conducted on August 27, 2002. Applicant has engaged the undersigned counsel to continue prosecution of this application. An Appointment of Power of Attorney has been filed with this amendment.

Claims 1-18 have been cancelled without prejudice or disclaimer. New claims have been added that reflect matters discussed during the interview and noted in the Examiner Interview Summary. New claim 19 recites a connector module with a resilient member that connects with one end of a strut, the strut having a second end for connection to another connector module. Each of new claims 19-88 recites that a connector module comprises a resilient member which accommodates rotational and translational movement in more than one plane. Additional features of the invention are recited in other claims.

Original claims 1-2, 5-11, 13, and 15-18 were rejected as anticipated by McGaffigan. Claims 3 & 4 were rejected as obvious over McGaffigan in view of Dodge. Claim 12 was rejected as obvious over McGaffigan in view of Boyle. AS discussed below, new claims 19-88 patentable distinguish over these references, alone or in combination.

New claims 19-88 are distinguished over McGaffigan, which discloses a flexible tie strut having a compression member 5 surrounding a cable-like tension member 3. McGaffigan admits that his "invention is designed to support only compressive and tensile loads and cannot develop or support any significant bending loads." (col. 1, lines 46-48). In McGaffigan, compression member 5, such as a helical spring, when compressed to a state that it cannot be further compressed forms a member that is "inflexible and resistant to both tensile and compressive forces when used as a structural member" (col. 5, lines 11-22). McGaffigan's combination of a tension member and compression member "allows the FTS to bend along its length, to return to a straightened shape upon release of bending forces and to withstand tension and compression" (col. 2, line 64 - col. 5, line 1) but does not provide rotational motion as the structure recited in the present claims. Unlike McGaffin, the invention recited in claim 19 includes a resilient member that provides both translational and rotational

motion in more than one plane. McGaffigan provides no disclosure of rotational or twisting motion.

Claims 38-57 and 70-88 are further distinguished over McGaffigan because they recite that the resilient member accommodates axial motion. McGaffigan teaches away from a structure which permits axial motion. In McGaffigan, tension member 3 is "a flexible cable like member which provides resistance to tensile forces that may be applied along the horizontal axis of the FTS." (col. 2, lines 53-56). Thus, McGaffigan teaches quite the opposite of the present invention as recited in claims 38-57 and 70-88, which provides axial motion. Indeed, McGaffigan's teaching that "Tension member 3 is preferably a cable which is flexible in bending along the length thereof but generally fixed in length to support tensile loads" (col. 6, lines 16 - 18) precludes a structure which provides axial motion, as recited in these claims. For the reasons discussed above, none of the claims can be anticipated by McGaffigan.

Dodge adds nothing to the disclosure of McGaffigan that would establish a *prima facie* case of obviousness. Unlike the connector module recited in the present claims, Dodge discloses a connector module with rigid arms that do not move in any direction. In Dodge, these arms are fitted with sleeves and held in place by an enlargement at the end of each arm. To the extent that any struts are used, these are formed by metal tubes slit at the ends to fit over the sleeve on an arm. The connecting members, which act as struts, may have central spring member between two metal portions, as shown in Figure 6. Nothing in this structure suggests the present claims which recite that the connector module comprises a resilient member accommodating translational and rotational motion connected to the body.

Similarly, the nodal bodies of Boyle fail to provide the disclosure lacking in McGaffigan or Dodge to establish a *prima facie* case of obviousness of claims 19-88.

Claims 25-27, 35-36, 44-46, 49-50, 59-60, 66-68, 71-73, 80-88 are further distinguished at least by the recitation of a telescoping member for the strut. Claims 26, 28, 36, 47, 50, 60, 67, 81-82 are further distinguished at least by the recitation of an actuator for the telescoping member, claims 29-34, 37, 51-57, 62-63, 68-69, 73, 82, are further distinguished at least by the recitation of an actuator to adjust the position of the resilient member. Claims 34-37, 64-69 and 84-88 are further distinguished at least by their shape determination recitations.

In view of the above, new claims 19-88 are patentably distinguished over the references relied upon in the Office Action and early notice of same is respectfully requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date Nov. 4, 2002

By



FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5416
Facsimile: (202) 672-5399

Brian J. McNamara
Attorney for Applicant
Registration No. 32,789

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